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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,874	02/24/2004	Yozo Hotta	03500.018005	8293
5514	7590	05/26/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			WALSH, RYAN D	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2852	

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H/A

Office Action Summary

Application No.

10/784,874

Applicant(s)

HOTTA ET AL.

Examiner

Ryan D. Walsh

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/21/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 7, 2006 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

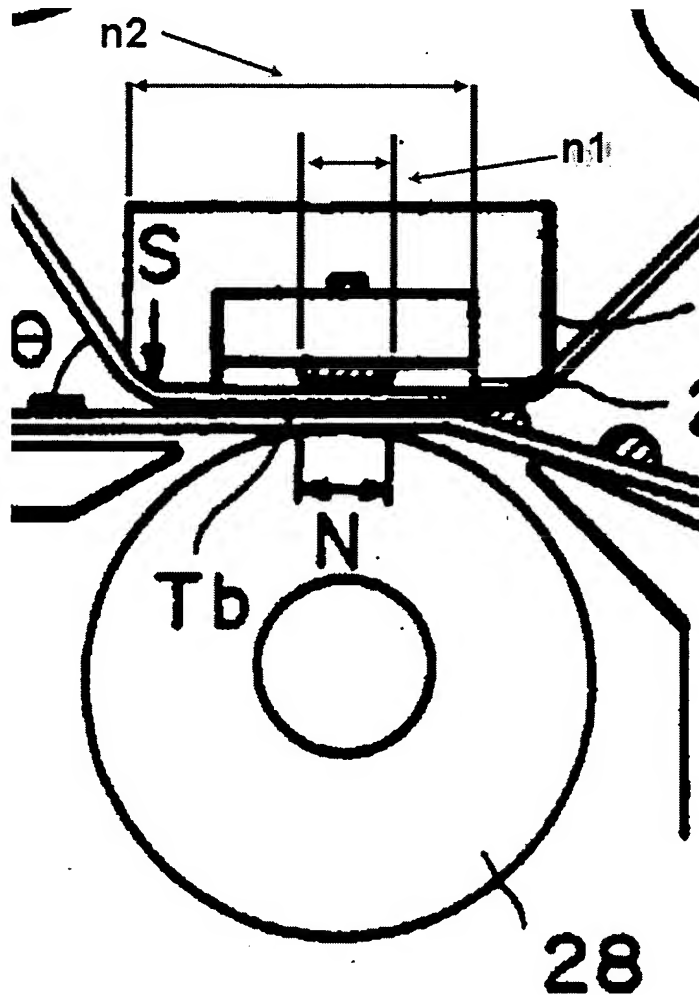
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Izawa et al. (US Pub. 2003/0118363) in view of Yamamoto et al. (US Pat. # 5,051,784), hereinafter referred to as Izawa in view of Yamamoto.

Regarding claim 1, Izawa teaches, "An image heating apparatus (Abstract) for heating an image formed on a recording material, comprising: a conveying roller (10) for conveying the recording material; heat supply means which supplies heat to said conveying roller, said heat supply means (20) being in contact with an external periphery of said conveying roller to form a heating nip portion [0055]; back-up means (30) which forms a conveying nip portion (N) in cooperation with said conveying roller

for nipping and conveying the recording material; wherein, in a rotating direction of said conveying roller, the heating nip portion has a width larger {[0133],Ln.1-6) and see (Fig. 15, ref. character **H**) is larger than **N**} than a width of the conveying nip portion, and a total pressure applied to the conveying nip portion is larger than a total pressure applied to the heating nip portion [0134], wherein said heat supply means (20) includes a heat generating member (21), a holder (24) for supporting said heat generating member, and a flexible rotary member (19) nipped between said conveying roller (10) and said heat generating member (21) and rotating (by 17 & 18) around said holder (19 is **around** the holder)." Izawa does not teach, "the heating nip portion includes a first heating nip portion which is formed between said heat generating member and said conveying roller and a second heating nip portion which is formed between said holder and said conveying roller, a position of the first heating nip portion and a position of the second heating nip portion being different from each other in a direction which said conveying roller moves." However, Yamamoto teaches, "the heating nip portion (Fig. 4, ref. char. **N**) includes a first heating nip portion (n1 see Figure below) which is formed between said heat generating member (22) and said conveying roller (28) and a second heating nip portion (n2 see Figure below) which is formed between said holder (27) and said conveying roller (28), a position of the first heating nip portion and a position of the second heating nip portion being different from each other in a direction which said conveying roller moves (See Fig. 4)." It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Izawa's invention to include the heating nip portion includes a first heating nip portion which is formed between said

heat generating member and said conveying roller and a second heating nip portion which is formed between said holder and said conveying roller, a position of the first heating nip portion and a position of the second heating nip portion being different from each other in a direction which said conveying roller moves.



The ordinary artisan would have been motivated to modify Izawa's invention in a manner described above for at least the purpose of increasing the temperature of the conveying roller to a sufficient temperature, higher than the toner fusing point,

eliminating the need of stand-by heating to heat the heater ahead of time (see Yamamoto, Col. 5, Ln. 25-36)

Regarding claim 2, Izawa teaches, "An image heating apparatus according to claim 1, wherein said conveying roller has an elastic layer (ref. # 12, and [0113], Ln. 2-3), and a maximum recess amount formed in said conveying roller by said back-up means (30) is larger than a maximum recess amount formed in said conveying roller by said heating means (20)." (See diagram below)



Regarding claim 3, Izawa teaches, "An image heating apparatus according to claim 1, wherein a peak value in the pressure in the conveying nip portion is larger than a peak value in the pressure in the heating nip portion [0134]."

Regarding claim 5, Izawa teaches, "An image heating apparatus according to claim 1, wherein said heat supply means includes a non-flexible rotary member (Fig. 11, ref. # 47) having a heat source therein (46), and the heating nip portion (Fig. 11, see between 40 and 47) is formed between said rotary member and said conveying roller."

Regarding claim 6, Izawa teaches, "An image heating apparatus according to claim 1, wherein said heat supply means includes a heat generating member (21), and the heating nip portion (H) is formed between said heat generating member and said conveying roller and between said holder and said conveying roller."

Regarding claim 7, Izawa teaches, "An image heating apparatus according to claim 1, wherein the back-up means includes a flexible rotary member (ref. # 33, and [0084], Ln. 11-12) and a holder (32) provided inside said rotary member and supporting said rotary member, and the conveying nip portion (Fig. 2, ref. character N) is formed between said holder and said conveying roller, across said rotary member."

Response to Arguments

Applicant's arguments, see Applicants Remarks, filed March 7, 2006, with respect to the rejection(s) of claim(s) 1 under 35 U.S.C 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Yamamoto et al., U.S. Patent 5,051,784.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan D. Walsh whose telephone number is 571-272-2726. The examiner can normally be reached on M-F 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on 571-272-2136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan D. Walsh
Patent Examiner
Art Unit 2852

A handwritten signature in black ink, appearing to read 'DAVID M. GRAY', with a long horizontal line extending to the right.

DAVID M. GRAY
PRIMARY EXAMINER